



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of  
Tibbe et al.

Serial No. 10/612,144

Filed: 07/02/2003

For: Device and Methods to Image Objects

Examiner: Natalia A. Levkovich

Group Art Unit: 1743

Response to 06/14/2006 O.A.

Our File No: IMMC 211 PCT/US

**RESPONSE**

**Drawings** – drawings must show every feature specified in the claims.

Figure 1 has been amended to include an exploded view (brackets) of the sample chamber and collection surface along with the nickel lines to show the relationship of these features in the system (37 CFR 1.84 (h)1). The sample chamber in the original figure has been expanded to include these features in the exploded view. Thus, the sample chamber in figure 1 illustrates further the collection surface with the nickel lines. Cell orientation along the collection surface in the chamber is described in the reconstruction of the image with respect to X-Y positioning (page 6 lines 11-29). Figure 5 provides a graphical representation of the collection surface, spacing of the nickel lines and their relationship with the aperture of the CD objective (see Figure 5 and page 9; lines 16-24). The nickel lines are further discussed on page 11 lines 6-12.

Applicant has submitted a Replacement Sheet for Figure 1 to include and expanded view of the collection surface region, depicting the nickel lines.

**Claim Objection** – a method claim cannot depend upon an apparatus claim.

Claim 25 has been amended to an apparatus claim which is dependent upon independent apparatus claim 21.

**Claim Rejections- 35 USC § 112** – claims 21-25 incorporating a dichroic mirror and means for merging sub-images lacks a written description.

The components that include the dichroic mirror and means for merging sub-images, described in Independent claim 21, are represented in the schematic representation of the apparatus in Figure 1 and described as combining multiple


digitized sub-images (page 6 lines 12-21). Figure 1 labeled the mirror as dichroic 645drp and dichroic 730drp. The means for merging sub-images to form a reconstructed image combines multiple digitized sub-images after relocating each sub-image on the sample chamber. In order to make merging means more specific, applicant has amended claim 21 to focus the merging means to the reconstruction of a full image from multiple sub-images (page 6 line13-14).

**Claim Rejection under 35 USC § 103(a) – claims 8 and 10 are unpatentable over Leblans et al.**

Applicant has canceled claims 8 and 10 and has combined claim 9 in new claims 26 and 27. Independent claim 26 incorporates the elements of claim 8 and 9 to define an apparatus with all the elements of claim 8 combined with the collection surface of claim 9.

With the attached amendments, applicants have amended the claims to define the invention more particularly and distinctly so as to overcome both the objections and rejections to patentably define the invention over the prior art. In view of these amendments and related discussions and arguments, it is respectfully urged that the objections and rejections set forth in the June 14, 2006 Office Action should be withdrawn and that this application be passed to issue. In the event the examiner has any comments or questions, the examiner is invited to telephone or e-mail applicants' undersigned representative at the number below.

Yours Respectfully,

  
Joseph F. Aceto  
PTO Registration No. 50701

Telephone: (215) 346-8303  
Facsimile: (215) 914-1117